

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ARC AIRBAG INFLATORS	*	MDL DOCKET NO. 3051
PRODUCTS LIABILITY LITIGATION	*	ALL CASES
	*	
	*	
	*	CIVIL ACTION NO.
	*	1:22-MD-03051-ELR
	*	

**PRACTICE AND PROCEDURE ORDER AND
NOTICE OF INITIAL CONFERENCE**

1. Applicability of Order: Prior to the Initial Conference and entry of a comprehensive order governing all further proceedings in the above-captioned multidistrict litigation (the “MDL”), the provisions of this order shall govern the practice and procedure in those actions that were transferred to this Court by the Judicial Panel on Multi-District Litigation pursuant to its Orders dated December 15, 2022 and December 28, 2022 (the “Transferred Actions”). [Docs. 2, 3]. This order also applies to all tag-along actions that have or will be filed in, removed to, or transferred to this Court and consolidated in the MDL (the “Tag Along Actions,” together with the Transferred Actions, the “Member Cases”).

2. Initial Conference: This Court will hold an initial case management conference on **Thursday, March 2, 2023, at 10:00 a.m.** in Courtroom 1708, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA, 30303.

a. Attendance: To minimize costs and facilitate a manageable conference, Parties are not required to attend the Initial Conference, and the Court expects Parties with similar interests to agree, to the extent practicable, on a single attorney to act on their joint behalf at the Conference. A Party will not, by designating an attorney to represent its interests at the Initial Conference, be precluded from other representation during the litigation. Attendance at the Conference will not waive any objections a Party might have to jurisdiction, venue, or service.

b. Service List: This order is being served electronically on the persons registered with the Northern District of Georgia's CM/ECF system and appearing as counsel in any of the Member Cases currently filed in or transferred to this Court. The Clerk's office will mail copies of the orders to others. Counsel are requested to forward a copy of the order to other attorneys who should be notified of the conference. After the Initial Conference, all attorneys participating in these cases will be required to be registered with the Court's CM/ECF system.

c. Other Participants: Persons who are not named as Parties in this litigation but may later be joined as Parties or are parties in related

litigation pending in other federal and state courts are invited to attend in person or by counsel.

3. Purposes and Agenda: The Initial Conference will be held for the purposes specified in Federal Rules of Civil Procedure 16(a), 16(b), 16(c), and 26(f) and subject to the sanctions prescribed in Rule 16(f). The items listed in the Manual for Complex Litigation, Fourth Edition (“MCL”) Section 22.6 shall, to the extent applicable, constitute a tentative agenda for the Initial Conference.

4. Preparations for Conference

a. Procedures for Complex Litigation: Counsel are expected to familiarize themselves with the MCL and be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.

b. Initial Conference of Counsel: Before the Initial Conference, counsel should confer and seek consensus to the extent possible with respect to the potential items on the agenda, including a proposed discovery plan under Rule 26(f) and a suggested schedule under Rule 16(b) for the filing of a consolidated or representative master pleading, Defendants’ responses to that master pleading, the conduct of fact and expert discovery, any motion for class certification, and any motions for summary judgment. To that end, the Parties shall confer and submit

a proposed agenda for the Initial Conference by February 23, 2023. If the Parties have suggestions as to any proposed case management orders, these shall be filed in this case as a “Notice of Filing Suggested Case Management Orders” by February 23, 2023.

c. Preliminary Reports: Counsel shall submit to the Court by February 23, 2023, a brief consolidated written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. Counsel should include in these statements a list of all pending motions and a list of all related cases pending in state or federal courts and their current status, to the extent known. These statements should be sent to the Courtroom Deputy Clerk, Ms. Michelle Beck, at Michelle_Beck@gand.uscourts.gov. These statements will not be filed with the Clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings.

d. List of Affiliated Companies and Counsel: To assist the Court in identifying any problems of recusal or disqualification, counsel shall submit to the Court by February 23, 2023, a list of all companies affiliated with the Parties and all counsel associated in the litigation.

5. Interim Measures

a. Admission and Appearance of Counsel: Attorneys admitted to practice and in good standing in any United States District Court are admitted *pro hac vice* in this litigation. No motion or application for admission is required. Association of local co-counsel is not required. Counsel who appeared in the transferor district court before the transfer need not enter a separate appearance before this Court.

b. Proceedings in the Member Cases: All proceedings in each of the Member Cases are stayed pending a further order of this Court. All orders in the Member Cases imposing deadlines for pleading or discovery are vacated. No Party need respond to any pleading or pending motion in any of the Member Cases absent a further order of this Court.

c. Pending and New Discovery: Pending a further order of this Court, all outstanding disclosure and discovery proceedings are stayed, and no further discovery shall be initiated. This order does not (1) preclude voluntary informal discovery as to the identification and location of relevant documents and witnesses; (2) preclude parties from stipulating to the conduct of a deposition that has already been scheduled; (3) prevent a party from voluntarily making disclosures or

responding to an outstanding discovery request under Rules 33, 34, or 36; or (4) authorize a party to suspend its efforts in gathering information needed to respond to a request under Rules 33, 34, or 36. Relief from this stay may be granted for good cause shown, such as ill health of a proposed deponent.

d. Motions: Pending the issuance of a scheduling order in this MDL, no motion shall be filed under Rule 11, 12, or 56 without leave of Court and unless it includes a certificate that the movant has conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

6. Master Docket File: Any pleading or document which is to be filed in any of these actions shall be filed with the Clerk of this Court and not in the transferor court. The Clerk of this Court will maintain a master docket case file under the style “In Re: ARC Airbag Inflators Products Liability Litigation” and the identification No. 1:22-md-03051-ELR. If a pleading, motion, or other document is generally applicable to all Member Cases, it should include “ALL CASES” in the caption and be filed and docketed only in the master file. A document intended to apply only to a particular case or cases should indicate that fact in its caption and be filed both in the master file and the individual Member Case or Cases to which it applies.

7. Lead and Liaison Counsel Appointments: The Court intends to appoint at least lead and liaison counsel for Plaintiffs. The Parties should be prepared to provide input at the Initial Conference regarding the process for selecting such counsel as well as the need for any other committees, leadership positions, or organizational structure of Plaintiffs' or Defendants' counsel.

SO ORDERED, this 27th day of January, 2023.



Eleanor L. Ross
United States District Judge
Northern District of Georgia